

MONDAY, MARCH 24, 1986

EIGHTY-THIRD LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Perry Biddle, Old Hickory First Presbyterian Church, Old Hickory, Tennessee.

Representative West led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 93

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

The Speaker announced that Representative Ridgeway was excused because of illness.

BILL RECALLED

On motion of Ms. Montgomery, Senate Bill No. 1822 was recalled from the Senate for further consideration.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1449, without his signature.

WILLIAM H. INMAN,
Counsel to the Governor.

Dear Speaker McWherter,

I am returning HB 1449/SB 1455 without my signature.

This Bill amends the Post Conviction Act, T.C.A. 40-30-112, et seq., to require that all petitions for post-conviction relief must be filed within three (3) years from final judgement of conviction.

A probable effect of this Amendment is that, after three years, inmates will resort to petitions for the Writ of Habeus Corpus, which can only be filed in the county of incarceration, as distinguished from post-conviction petitions which must be filed in the county of conviction.

The criminal courts in four or five counties will likely bear the brunt of the habeas corpus filings, which could develop into a problem of serious proportions, especially in Davidson County.

Sincerely,

Lamar Alexander

House Bill No. 1449 becomes law without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1183, 1288, 1331, 1392, 1403, 1498 and 1695; House Resolutions Nos. 118 and 122; and House Joint Resolutions Nos. 593 and 611; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1183, 1288, 1331, 1392, 1403, 1498 and 1695; House Joint

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Resolutions Nos. 593 and 611; and House Resolutions Nos. 118 and 122.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1343--To regulate Tennessee Aeronautics Commission; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

Mr. Murphy moved that House Bill No. 1193 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Bragg moved that Senate Bill No. 1160 be placed on the Calendar for Monday, March 31, 1986, which motion prevailed.

House Bill No. 1576--To amend Section 39-3-408, Code.

On motion, House Bill No. 1576 was made to conform with Senate Bill No. 1565.

On motion, Senate Bill No. 1565, on same subject, was substituted for House Bill No. 1576.

Mr. McNally moved that Senate Bill No. 1565 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

House Joint Resolution No. 486--Relative to designating the "Lamar Alexander Parkway".

Mr. Swann moved that House Joint Resolution No. 486 be adopted.

Mr. Swann moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 486 by deleting the present caption in its entirety and by substituting instead the following language:

A RESOLUTION to designate U.S. Highway 321 from Interstate 40 in Loudon County to its intersection with State Highway 73 Alternate and then from such intersection to Great Smokey Mountains National Park as the "Lamar Alexander Parkway".

AND FURTHER AMEND by deleting the first resolving clause in its entirety and by substituting instead the following language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That U.S. Highway 321 from Interstate 40 in Loudon County to its intersection with State Highway 73 Alternate and then from such intersection to Great Smokey Mountains National Park is hereby designated as the "Lamar Alexander Parkway".

On motion, the amendment was adopted.

Thereupon, House Joint Resolution No. 486, as amended, was adopted by the following vote:

Ayes	90
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representative voting no was: Shirley--1.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

A motion to reconsider was tabled.

House Bill No. 1545--To amend Section 70-1-306, Code.

Mr. Moore moved that House Bill No. 1545 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1545 by deleting Section 1 in its entirety and substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 70-1-306(g), is amended by adding the following:

Provided, however, notwithstanding any other law to the contrary and in addition to and after the salary increases authorized for the 1986-87 fiscal year, employees of the wildlife resources agency shall have their salaries adjusted by placing them in the appropriate step of their salary range so that those employees with thirteen (13) years of service, or more, shall be at the tenth (10th) step.

The appropriate step for those employees of the agency with less than thirteen (13) years shall be determined by dividing the number of years, or portion thereof, of service by one and three tenths (1.3). The quotient of such division shall be rounded to the nearest step; provided, however, that any such quotient which is equidistant between the high and the low shall be rounded to the highest step.

Provided, further, that when salary brackets are changed all employees shall first be placed in the same step of the new range as they were in the old range prior to any other adjustment.

It is the intent of this act to provide a more equitable positioning of employees within their salary range.

For purpose of this adjustment:

1. "Years of service" shall mean the number of years of full time employment an employee has in his present job classification;

(2) The quotient shall be applied to the employee's entry step at the time of appointment to their present classification;

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

(3) If an employee's full time employment in their prior classification, after adjustment, would have provided a greater salary than their present classification, then that employee's salary will be adjusted so as to place them one (1) step above what they would have received in their prior classification;

(4) No employees whose salary is above the appropriate step shall have their salary reduced; and

(5) No employee shall have their salary adjusted above the tenth (10th) step; nor shall any employee who received a performance evaluation rating of one (1) or two (2) during the twelve (12) months prior to March 1, 1986, be eligible for the adjustment.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1545, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	3
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

Representatives voting no were: Henry, McCroskey and Scruggs --3.

Representative present and not voting was: Lawson--1.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 1191--To provide for certain county clerk's fees.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

On motion, House Bill No. 1191 was made to conform with Senate Bill No. 1186.

On motion, Senate Bill No. 1186, on same subject, was substituted for House Bill No. 1191.

Mr. Murphy moved that Senate Bill No. 1186 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	5

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

Representatives voting no were: Dills, Harrill, McAfee, Shirley and Turner, C. (Shelby)--5.

A motion to reconsider was tabled.

House Bill No. 1323--To clarify certain definitions, Board of Claims.

On motion, House Bill No. 1323 was made to conform with Senate Bill No. 1491.

On motion, Senate Bill No. 1491, on same subject, was substituted for House Bill No. 1323.

Mr. Murphy moved that Senate Bill No. 1491 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally,

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

House Bill No. 1497--To make provision, appellate court nominating commission.

On motion, House Bill No. 1497 was made to conform with Senate Bill No. 1444.

On motion, Senate Bill No. 1444, on same subject, was substituted for House Bill No. 1497.

Mr. Murphy moved that Senate Bill No. 1444 be passed on third and final consideration, whcih motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 1182--To amend Section 8-21-401, Code.

On motion, House Bill No. 1182 was made to conform with Senate Bill No. 1245.

On motion, Senate Bill No. 1245, on same subject, was substituted for House Bill No. 1182.

Mr. Murphy moved that Senate Bill No. 1245 be passed on third and final consideration.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1245 by adding the following new section and appropriately numbering the same:

() This act shall apply only to courts of record.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1245, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Hurley and Shirley--2.

A motion to reconsider was tabled.

House Bill No. 1711--To make certain provisions, annexation.

Mr. Murray moved that House Bill No. 1711 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1711 by striking the second sentence of the second paragraph of Section 1 of the bill, said sentence reads as follows: "Any owner of property lying within the territory proposed to be annexed by an ordinance which is approved by referendum shall have those rights and privileges provided in Section 6-51-103, if a suit is filed within thirty (30) days following the ratification of the ordinance."

MONDAY, MARCH 24, 1986—83rd LEGISLATIVE DAY

And further amend by adding an additional paragraph to Section 1 to read as follows: "The provision of this section to apply only to counties having a population of between 31,900 and 32,000 according to the 1980 United States federal census or any subsequent United States federal census."

On motion, the amendment was adopted.

Thereupon, House Bill No. 1711, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

Mr. Robinson (Davidson) filed the following notice pertaining to Senate Bill No. 790.

NOTICE OF MOTION

On the day the House of Representatives next convenes in this legislative session, I will move the House to rescind its previous action taken on third and final consideration of Senate Bill No. 790.

ROBB ROBINSON

House Bill No. 1971--To authorize bond issue, certain zoos.

Mr. Miller moved that House Bill No. 1971 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	15

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis

MONDAY, MARCH 24, 1986—83rd LEGISLATIVE DAY

(Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Moody, Moore, Murphy, Murray, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Wix, Wood, Yelton and Mr. Speaker McWherter--76.

Representatives voting no were: Bewley, Bragg, Chiles, Crain, Duer, Frensley, Harrill, Hawkins, Henry, Naifeh, Robinson (Washington), Stafford, Webb, Whitson and Wolfe--15.

A motion to reconsider was tabled.

Mr. DePriest moved that House Bill No. 1870 be placed on the Calendar for Thursday, March 27, 1986, which motion prevailed.

House Bill No. 1371--To regulate health maintenance organizations.

On motion, House Bill No. 1371 was made to conform with Senate Bill No. 1459.

On motion, Senate Bill No. 1459, on same subject, was substituted for House Bill No. 1371.

Ms. Montgomery moved that Senate Bill No. 1459 be passed on third and final consideration.

Ms. Montgomery moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1459 by striking the second sentence of subsection e, Section 3 and substituting instead the following:

Every two (2) years, or more frequently when necessary to respond to complaints from the public, a health maintenance organization holding a certificate of authority must demonstrate to the commissioner of health and environment that basic health care services have been, and will continue to be, actually provided efficiently, effectively, and economically.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1459, as amended, passed its third and final consideration by the following vote:

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1822, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Ms. Montgomery moved that the rules be suspended for immediate consideration of Senate Bill No. 1822, which motion prevailed.

FURTHER CONSIDERATION OF SENATE BILL NO. 1822

Senate Bill No. 1822--To make certain provisions, adoption laws.

Ms. Montgomery moved that the motion to reconsider Senate Bill No. 1822 be lifted from the table, which motion prevailed.

Ms. Montgomery moved that the House reconsider its action in passing Senate Bill No. 1822 on third and final consideration, as amended, which motion prevailed.

Ms. Montgomery moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 1822 by inserting in the second line of Section 11 of the act between the words "of" and "this" the words and figures "Section 1 through 9 of"

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1822, as amended, passed its third and

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Tanner moved that House Bill No. 1871 be placed on the Calendar for Thursday, March 27, 1986, which motion prevailed.

House Bill No. 2005--To amend Section 13-4-301, Code.

Mr. Rhinehart moved that House Bill No. 2005 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representative present and not voting was: Buck--1.

A motion to reconsider was tabled.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

House Bill No. 1847--To require certain written notice, teachers.

Mr. Rhinehart moved that House Bill No. 1847 be passed on third and final consideration.

Mr. Work moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1847 by deleting the amendatory language in SECTION 1 in its entirety and by substituting in lieu thereof the following:

"() To require the superintendent of schools to provide written notice to non-tenured teachers of specific reasons for failure of re-election pursuant to the continuing contract law; provided that any non-tenured teacher so notified shall be given an opportunity for a hearing before the local board of education. Such hearing must be requested within 30 days of receipt of the written reasons. Nothing contained herein shall be construed to grant tenure or the expectation of continued employment to any person.

On motion, the amendment was adopted.

Mr. Rhinehart moved that House Bill No. 1847 be placed on the calendar for Thursday, March 27, 1986, which motion prevailed.

House Bill No. 1992--To make certain provisions, for the blind.

Mr. DePriest moved that House Bill No. 1992 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1992 by adding the following language to the amendatory language:

The instrument of conveyance to such non-profit contractor shall provide that the real property and production equipment conveyed, or sufficient remuneration therefor, shall revert to the state at any time the contractor or its successor shall cease operating a workshop for the benefit of the blind.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1992, as amended, passed its third and final consideration by the following vote:

MONDAY, MARCH 24, 1986—83rd LEGISLATIVE DAY

Ayes 96
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1573--To make provisions, center for industrial services.

Mr. McNally moved that House Bill No. 1573 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1939--To make certain provisions, sale of beer.

Mr. Naifeh moved that House Bill No. 1939 be passed on third and final consideration.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1939 by renumbering Section 2 as Section 3 and by adding a new Section 2 as follows:

SECTION 2. Tennessee Code Annotated, Section 57-5-106 is amended by adding a new subsection thereto as follows:

(d) In lieu of a corporate surety on such bond as required by subsection (a), the commissioner may allow the applicant to secure such bond by depositing collateral in the form of a certificate of deposit as accepted and authorized by the banking laws of the State of Tennessee, which has a face value equal to the amount of the bond. Such collateral may be deposited with any authorized state depository designated by the commissioner.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1939, as amended, passed its third and final consideration by the following vote:

Ayes	79
Noes	12
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gafford, Gaia, Garrett, Gill, Hawkins, Hillis, Hobbs, Hurley, Huskey, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wood, Yelton and Mr. Speaker McWherter--79.

Representatives voting no were: Davis (Knox), Dills, Harrill, Hassell, Henry, Ivy, Moody, Stafford, Stallings, Tankersley, Williams and Wolfe--12.

Representative present and not voting was: Covington--1.

A motion to reconsider was tabled.

House Bill No. 1930--To regulate campaign financial disclosure.

Mr. Naifeh moved that House Bill No. 1930 be passed on third and final consideration.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1930 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following new section:

SECTION ____.

(a) No candidate or political campaign committee may accept a contribution of more than one hundred dollars (\$100) from any organization, group political action committee, political campaign committee or political party whose principal headquarters is located in another state unless such organization, group, committee or party discloses the full names and complete addresses of the original sources of the funds from which the contribution was made and the amount contributed by each such original source. The contribution as well as the original sources of the contribution shall be disclosed by the candidate as provided in Tennessee Code Annotated, Section 2-10-107 (a).

(b) As used in this section, "original sources" mean each person, organization, group or committee who contributed one hundred dollars (\$100) or more during the one (1) year period immediately preceding the date of the contribution to the Tennessee candidate.

SECTION 2. Tennessee Code Annotated, Section 2-10-107, is amended by adding the following new subsection (a) (2) (B) and by renumbering existing subsection (a) (2) (B) as (a) (2) (C):

(B) Under contribution from organizations, groups, political action committees, political campaign committees or political parties whose principal headquarters are in another state, a list of all of the contributions received as follows:

(i) The statement shall list the full name and complete address of each such organization, group, campaign committee or political party who contributed a total amount of more than one hundred dollars (\$100) during the period for which the statement is submitted, and the amount contributed by that organization, group committee or part; and

(ii) The statement shall list the full name and complete address of the original sources as defined in

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Section 1 of this act of any contribution made by any such organization, group, campaign committee or political party during the time period for which the statement is submitted and the amount contributed by each such original source; and

(iii) The statement shall list as a single item the total amount of contributions from such organizations, groups, campaign committees or political parties of one hundred dollars (\$100) or less.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Naifeh moved that House Bill No. 1930 be placed on the Calendar for Monday, March 31, 1986, which motion prevailed.

House Bill No. 684--To require subsurface sewage disposal systems.

On motion, House Bill No. 684 was made to conform with Senate Bill No. 308.

On motion, Senate Bill No. 308, on same subject, was substituted for House Bill No. 684.

Mr. Hillis moved that Senate Bill No. 308 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 308 by adding in SECTION 2 following the existing division (e) an additional sentence as follows:

The duty to enter into an agreement or contract shall be mandatory for the commissioner with the county health department in Shelby, Madison, Davidson, Hamilton, and Knox counties.

and further by deleting in the second paragraph of SECTION 5 the "(3)" and substituting "(6)"

and further by deleting in SECTION 5 the following language:

(9) "To sell or offer for sale any lots in a subdivision without having first obtained approval from the Department for the subdivision plan."

and further in SECTION 9 by deleting the words:

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

"and/or imprisoned for no more than eleven (11) months and twenty-nine (29) days"

and further by deleting SECTION 10 in its entirety.

On motion, the amendment was adopted.

Mr. Stallings moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 308 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population of

not less than	nor more than
23,850	23,900
25,300	25,350
12,725	12,825
27,900	27,920
26,400	26,500
19,650	19,725

according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Bell moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 308 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 56,000 nor more than 56,100 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Swann moved to amend as follows:

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

AMENDMENT NO. 4

Amend Senate Bill No. 308 by adding the following language at the end of the existing division (e) in Section 2:

The duty to enter into an agreement or contract shall be amendatory for the commissioner with the county health department in Blount County or Sevier County if such county or counties notifies the commissioner it wishes to enter into such an agreement or contract.

On motion, the amendment was adopted.

Mr. Clark (Sumner) moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 308 by adding the following language at the end of the existing division (e) in Section 2:

The duty to enter into an agreement or contract shall be mandatory for the commissioner with the county health department in Sumner County if such county or counties notifies the commissioner it wishes to enter into such an agreement or contract.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 308 by adding a new Section:

This act shall not apply to any county with a population of under 60,000.

On motion, the amendment was adopted.

Mr. Hillis moved that Senate Bill No. 308 be placed on the Calendar for Monday, March 31, 1986, which motion prevailed.

House Bill No. 1346--To provide for teachers' aides in Kindergarten.

On motion, House Bill No. 1346 was made to conform with Senate Bill No. 1577.

On motion, Senate Bill No. 1577, on same subject, was substituted for House Bill No. 1346.

Ms. Peroulas moved that Senate Bill No. 1577 be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representative present and not voting: Copeland--1.

A motion to reconsider was tabled.

Mr. Cobb moved that House Bill No. 1481 be placed on the Calendar for Thursday, March 27, 1986, which motion prevailed.

House Bill No. 1492--To provide for Academic Merit Scholarship Program.

On motion, House Bill No. 1492 was made to conform with Senate Bill No. 1394.

On motion, Senate Bill No. 1394, on same subject, was substituted for House Bill No. 1492.

Mr. Cobb moved that Senate Bill No. 1394 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings,

MONDAY, MARCH 24, 1986—83rd LEGISLATIVE DAY

Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

A motion to reconsider was tabled.

Mr. Cobb moved that House Bill No. 1912 be placed on the Calendar for Thursday, March 27, 1986, which motion prevailed.

Mr. Davis (Gibson) moved that House Bill No. 2023 be placed on the Calendar for Thursday, March 27, 1986, which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

2023--To amend Charter, Livingston; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONSENT CALENDAR

House Joint Resolution No. 567--Relative to naming New Thompson Lane underpass.

House Bill No. 1615--To provide for payment of interest and penalties, delinquent taxes.

On motion, House Bill No. 1615 was made to conform with Senate Bill No. 1511.

On motion, Senate Bill No. 1511, on same subject, was substituted for House Bill No. 1615.

House Bill No. 1794--To amend Governmental Entity Review Law.

On motion, House Bill No. 1794 was made to conform with Senate Bill No. 1392.

On motion, Senate Bill No. 1392, on same subject, was substituted for House Bill No. 1794.

House Bill No. 1206--To make certain provisions, social workers.

On motion, House Bill No. 1206 was made to conform with Senate Bill No. 1269.

On motion, Senate Bill No. 1269, on same subject, was substituted for House Bill No. 1206.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

House Bill No. 1275--To continue occupational safety and health review commission.

House Bill No. 1272--To continue prevailing wage commission.

House Bill No. 1270--To continue board of occupational and physical therapy examiners.

On motion, House Bill No. 1270 was made to conform with Senate Bill No. 1370.

On motion, Senate Bill No. 1370, on same subject, was substituted for House Bill No. 1270.

House Bill No. 1263--To continue aeronautics commission.

On motion, House Bill No. 1263 was made to conform with Senate Bill No. 1343.

On motion, Senate Bill No. 1343, on same subject, was substituted for House Bill No. 1263.

House Bill No. 1255--To continue board of examiners for mines.

House Bill No. 1244--To continue department of labor.

Senate Joint Resolution No. 288--Relative to sympathy, Hugh Frazier Walker.

Senate Joint Resolution No. 290--Relative to honoring Gilbert H. Francis.

Senate Joint Resolution 293--Relative to congratulating Marion Jones.

Senate Joint Resolution No. 294--Relative to sympathy, John A. Parker.

Senate Joint Resolution No. 298--Relative to proclaiming "Mathematics Awareness Week".

House Resolution No. 121--Relative to honoring Frank E. Smith.

House Joint Resolution No. 601--Relative to memory, William I. "Bill" Kieffer.

House Joint Resolution No. 602--Relative to honoring Sarah Moore Greene.

House Joint Resolution No. 603--Relative to honoring David Roberts.

House Bill No. 2025--To amend Charter, Livingston.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

On motion, House Bill No. 2025 was made to conform with Senate Bill No. 2023.

On motion, Senate Bill No. 2023, on same subject, was substituted for House Bill No. 2025.

House Bill No. 1064--To provide for election, superintendent of education, Hamblen County.

On motion, House Bill No. 1064 was made to conform with Senate Bill No. 1042.

On motion, Senate Bill No. 1042, on same subject, was substituted for House Bill No. 1064.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

Mr. Chiles requested that he be recorded as not voting on House Joint Resolution No. 567.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1540--To make certain provisions, auctioneers;

1740--To amend Retail Installment Sales Act;

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

1806--To regulate suspension of students; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1448--To provide for board of commissioners, utility districts;

1526--To amend Section 47-9-403, Code;

1595--To regulate licensing of contractors;

1635--To amend Commercial Fertilizer Law;

1662--To make certain provisions, real property;

1982--To make provisions, Commission on Indian Affairs; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

587--Relative to honoring Alfreda Charlotte Delaney;

588--Relative to honoring Samuel and Lillian Dixon;

589--Relative to honoring George White; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1375--To amend Solid Waste Disposal Act;

1510--To protect forest lands from fire;

1511--To enact Forestry Act of 1986;

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

1818--To make certain provisions, state and county fairs;

2022--To revise Charter, Crossville; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1346--To regulate Tennessee Student Assistance Corporation;

1348--To regulate Tennessee Arts Commission;

1410--To regulate transfer, certain patients;

1507--To regulate conversion, group insurance;

1675--To regulate practice of dentistry;

1756--To extend use, telephone network, certain students;

2016--To fix compensation, county attorney, Roane County;

2043--To amend Charter, Oneida;

2045--To regulate County Board of Education, Overton County; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 333--To define certain racketeering activities.

SENATE AMENDMENT NO. 2

Amend House Bill No. 333 by inserting between the words "trustee" and "holds" in Section 4 (h) (1) the words "or any other person".

FURTHER AMEND by deleting the final sentence of the second paragraph of Section 4 (h) in its entirety.

FURTHER AMEND by adding the following to the end of Section 4 (i):

Real property and beneficial interest in real property shall be deemed to be located where the real property is located.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

FURTHER AMEND by adding the following new subsection (m) to Section 4:

(m) "Person" means any individual or entity holding or capable of holding a legal or beneficial interest in property.

FURTHER AMEND by deleting the final sentence of Section 7 (e) in its entirety.

FURTHER AMEND by deleting the final sentence of Section 7 (f) and substituting instead the following:

Pending final determination of a proceeding initiated under this section, the court may enter a temporary restraining order or a preliminary injunction, may require execution of a satisfactory performance bond, or may take any other action, including the appointment of a receiver, upon a showing of immediate danger or significant injury, including the possibility that any judgment for money damages might be difficult to execute or that such action is necessary to preserve the reachability of property subject to civil forfeiture. Following the entry of an order of civil forfeiture under this section, the trial court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action, including the appointment of a receiver, that the court deems proper to protect the interests of the plaintiff.

FURTHER AMEND by adding the following new subsections (j) and (k) to Section 7:

(j) In any action in which the plaintiff substantially prevails, including preliminary proceedings under subsection (f), the plaintiff shall also recover reasonable attorney's fees in the trial and appellate courts and costs of investigation and litigation reasonably incurred.

(k) Personal service of any process in an action under this section may be made upon any person outside the state if the person was a principal in any conduct constituting a violation of this act in this state. The person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state for the purposes of this section.

FURTHER AMEND by adding the following new subsections (k), (l), (m) and (n) to Section 8:

(k) Upon the entry of a final judgment of forfeiture in favor of the State of Tennessee, the title of the state to the forfeiture property shall:

(l) in the case of real property, or a beneficial interest in it, relate back to the date of filing of the RICO lien notice in the official records of the county where

the real property or a beneficial interest in it is located; and if no RICO lien notice is filed, then to the date of the filing of any notice of lis pendens under subsection (e) in the official records of the county where the real property or a beneficial interest in it is located; and if no RICO lien notice or notice of lis pendens is filed, then to the date of recording of the final judgment of forfeiture in the official records of the county where the real property or a beneficial interest in it is located; and

(2) in the case of personal property or a beneficial interest in it, relate back to the date the personal property or the beneficial interest in it was seized by the state, or the date of filing of a RICO lien notice in the official records of the county where the personal property or a beneficial interest in it is located; but if the property was not seized and no RICO lien notice was filed, then to the date of the recording of the final judgment of forfeiture in the official records of the county where the personal property or a beneficial interest in it is located.

(1) If personal or real property or a beneficial interest in it subject to forfeiture is conveyed, alienated, disposed of, or otherwise rendered unavailable for forfeiture after the filing of a RICO lien notice, or after the filing of a civil proceeding or criminal proceeding, which ever is earlier, the Attorney General and Reporter may institute an action in any circuit or chancery court against the person named in the RICO lien notice or the defendant in the civil proceeding or criminal proceeding; and the court shall enter final judgment against the person named in the RICO lien notice or the defendant in the civil proceeding or criminal proceeding in an amount equal to the fair market value of the property or any beneficial interest in it together with investigative costs and attorney's fees incurred by the investigative agency in the action. If a civil proceeding is pending, such action shall be filed only in the court where such civil proceeding is pending.

(m) If personal or real property or a beneficial interest in it subject to forfeiture is conveyed, alienated, or otherwise disposed of after the filing of a RICO lien notice or after the filing of a civil proceeding or criminal proceeding, which ever is earlier, the state may treat the disposal as a fraudulent and preferential conveyance.

(n) Notwithstanding any other provision of this section, any person who has perfected a security interest in personal or real property or a beneficial interest in it for the payment of an enforceable debt or other similar obligation prior to the filing of a RICO lien notice or a lis pendens in reference to such property or interest may foreclose such interest as otherwise provided by law. The foreclosure of such interest shall, insofar as it is practicable, be made in such a fashion

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

that it will not otherwise interfere with a forfeiture under this act.

FURTHER AMEND by adding the following new subsection (e) to Section 5:

(e) In order to convict a person or persons under the provision of this chapter based upon a conspiracy to violate any subsection of this section, the state must prove that there was a meeting of the minds between all coconspirators to violate this chapter and that an overt act in furtherance of such intention was committed.

by inserting the following between the first and second sentences of Section 7(b):

Provided, however, no fee paid for legal, medical or accounting service shall be subject to forfeiture under the provisions of this section unless the person or persons to whom such fee was paid had knowledge that the funds used to pay such fee were derived from activity in violation of this act.

Mr. Naifeh moved that the House concur in Senate Amendment No. 2, which motion prevailed.

SENATE AMENDMENT NO. 3

Amend House Bill No. 333 by adding the following new subsection to Section 6:

(e) Any fine imposed pursuant to this section shall be fixed in accordance with the provisions of Tennessee Code Annotated, Section 40-35-301.

Mr. Naifeh moved that the House concur in Senate Amendment No. 3, which motion prevailed.

SENATE AMENDMENT NO. 4

Amend House Bill No. 333 by deleting from Section 7(b) the words "The proceeds realized from such forfeiture and disposition shall be promptly deposited in the criminal injuries compensation fund established by Tennessee Code Annotated, Section 40-24-107." and substituting instead the words "The proceeds realized from such forfeiture and disposition shall be used to sufficiently fund the enforcement of this act and to reimburse any investigatory costs incurred in enforcing such act. Any proceeds remaining shall be deposited in the criminal injuries compensation fund established by Tennessee Code Annotated, Section 40-24-107."

FURTHER AMEND by deleting the final subsection of Section 7 and the final sentence of Section 9 (d) (1) in their entirety.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

FURTHER AMEND by deleting the final sentence of new Section 11 (b) (1) and substituting instead the following:

If the investigative agency denies the application for relief, the creditor or innocent person may petition the appropriate chancery or circuit court for release of such lien. Such hearing shall be held within thirty (30) days of receipt of process by the investigative agency.

FURTHER AMEND by deleting from new Section 11 (b) (2) the words "in the racketeering activity nor had actual knowledge" and substituting instead the words "in the enterprise or racketeering activity and did not know or have reason to know".

FURTHER AMEND by adding the following new subsection to Section 7:

() It shall be an element of the burden of proof in the final resolution of any civil proceeding instituted pursuant to this section that the defendant committed either the requisite predicate acts or a criminal violation of this act.

Mr. Naifeh moved that the House concur in Senate Amendment No. 4, which motion prevailed.

SENATE AMENDMENT NO. 6

Amend House Bill No. 333 as amended by Committee Amendment #1 by adding the following new subsection to Section 4:

(k) "Personal property" includes any personal property, or any interest in such personal property, or any right, including bank accounts, debts, corporate stocks, patents or copyrights. Personal property and beneficial interest in personal property shall be deemed located where the trustee is, the personal property is, or the instrument evidencing the right is.

(1) "Innocent person" includes bona fide purchasers and victims.

FURTHER AMEND by inserting immediately preceding the words "real property" in Section 4(h)(1), Section 4(h)(2), the second sentence of the second paragraph of Section 4(h), Section 4(j)(1), Section 8(d)(1), the third sentence of Section 8(d), Section 8(e)(2), the first sentence of Section 8(f), Section 8(f)(2), Section 8(f)(3), twice in the first sentence of Section 8(g), twice in Section 8(g)(3), Section 8(h), Section 8(1), the first sentence of Section 9(b), three times in the second sentence of Section 9(d)(1), three times in Section 9(d)(2), and twice in Section 9(d)(3), the words "personal or".

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

FURTHER AMEND by deleting from the first sentence of Section 7(a) and from Section 8(h) the words "court of record" and substituting instead the words "circuit or chancery court".

FURTHER AMEND by deleting from the first sentence of Section 7(a) the words "all persons" and substituting instead the words "innocent persons".

FURTHER AMEND by deleting from the fourth sentence of Section 7(b) the words "all persons" and substituting instead the words "innocent persons".

FURTHER AMEND by deleting from the second sentence of Section 7(e) and from Section 10(c) the words "circuit court" and substituting instead the words "circuit or chancery court".

FURTHER AMEND by deleting from the first sentence of Section 8(a) the words "civil proceeding" and substituting instead the words "civil or criminal proceeding".

FURTHER AMEND by inserting between the word "civil" and the word "proceeding" in the first sentence of Section 8(b)(1) and Section 8(b)(3), the words "or criminal".

FURTHER AMEND by inserting between the word "interest" and the word "situated" in Section 8(d)(2) the words "in personal or real property".

Mr. Naifeh moved that the House concur in Senate Amendment No. 6, which motion prevailed, by the following vote:

SENATE AMENDMENT NO. 8

Amend House Bill No. 333 by inserting the following between the first and second sentences of Section 7 (b):

Provided, however, no fee paid for legal, medical or accounting services shall be subject to forfeiture under the provisions of this section unless the person or persons to whom such fee was paid had knowledge that the funds used to pay such fee were derived from activity in violation of this act.

Mr. Naifeh moved that the House concur in Senate Amendment No. 8, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill,

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1622--To make provisions, motor vehicle commission.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1622 by deleting the word "elected" in the fourth line of the amendatory language of Section 1 (a) and by substituting instead the word "selected".

Mr. Murray moved that the House concur in Senate Amendment No. 1, which motion prevailed.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1622 by deleting the following words from Section 1 (a):

"from a list furnished by the Tennessee Manufacturers Association which list shall include the names of at least four (4) such qualified persons".

AND FURTHER AMEND by deleting the following words from Section 1 (b):

"from the list of names submitted by the Tennessee Manufacturers Association".

Mr. Murray moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee,

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1820--To lengthen period, enforcing judgment liens, real property.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1820 by adding to the amendatory language of Section 1 the following new language.

The provisions of this section shall apply to current liens and to any lien on which there is a pending lawsuit on the effective date of this act.

Mr. Swann moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

RULES SUSPENDED

Mr. Gill moved that the rule be suspended for the purpose of placing more than twenty-five bills on future House Calendars, which motion prevailed.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

RULES SUSPENDED

Mr. Gill moved that the rules be suspended in order that House Bill No. 2048 could be introduced and passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

House Bill No. 2048--To amend Chapter 54, Public Acts, 1985--By Gill, Byrd and Mr. Speaker McWherter.

Passed first consideration.

Mr. Rhinehart moved that House Joint Resolution No. 510 be recalled from the Committee on Calendar and Rules for immediate consideration, which motion prevailed.

House Joint Resolution No. 510--Relative to study, medical insurance needs, retirees.

On motion of Mr. Rhinehart, the resolution was adopted.

A motion to reconsider was tabled.

BILLS RE-REFERRED

On motion of Mr. Frensley, House Joint Resolution No. 562 was recalled from the Committee on State and Local Government.

On motion of Mr. Frensley, House Joint Resolution No. 562 was referred to the Committee on Calendar and Rules.

On motion of Mr. Work, House Bil No. 2013 was recalled from the Committee on Education.

On motion of Mr. Work, House Bill No. 2013 was referred to the Committee on Calendar and Rules.

Mr. Speaker McWherter resumed the Chair.

Mr. McCroskey moved that House Bill No. 2000 be recalled from the Governor's Office.

Mr. Whitson moved that the motion be tabled, which motion failed by the following vote:

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Ayes	19
Noes	33
Present and not voting	36

Representatives voting aye were: Bewley, Bivens, Cross, DePriest, Dills, Gaia, Gill, Harrill, Hillis, Jared, Phillips, Rhinehart, Robinson (Washington), Shirley, Stallings, Whitson, Winningham, Work and Yelton--19.

Representatives voting no were: Bragg, Buck, Byrd, Chiles, Clark (Sumner), Copeland, Covington, Crain, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Hassell, Hawkins, Jones, Kent, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Patterson, Peroulas, Severance, Turner, C. (Shelby), Williams, Wolfe and Wood--33.

Representatives present and not voting were: Brewer, Burnett, Clark (Davidson), Cobb, Collier, Davidson, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Henry, Hobbs, Hurley, Ivy, Kernell, King, Lawson, Love, McAfee, Napier, Pruitt, Robinson (Hamilton), Scruggs, Stafford, Starnes, Swann, Tankersley, Turner, B. (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler and Wix--36.

Mr. Ellis moved that the House adjourn until 9:00 a.m. Thursday, which motion failed by the following vote:

Ayes	27
Noes	49
Present and not voting	3

Representatives voting aye were: Bewley, Buck, Clark (Davidson), Cross, Curlee, Davidson, Dills, Dixon, Drew, Duer, Ellis, Gill, Henry, Hurley, Ivy, Jared, King, Murray, Naifeh, Nance, Phillips, Pruitt, Stafford, Swann, Whitson, Winningham and Wix--27.

Representatives voting no were: Bivens, Bragg, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Davis (Cocke), Davis (Gibson), Frensley, Gafford, Garrett, Hassell, Hawkins, Hillis, Hobbs, Kent, Lawson, Love, May, McCroskey, Montgomery, Moore, Napier, Patterson, Peroulas, Rhinehart, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stallings, Starnes, Tankersley, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), Webb, West, Wheeler, Williams, Wolfe, Wood, Work and Mr. Speaker McWherter--49.

Representatives present and not voting were: Kernell, McNally and Turner, L. (Shelby)--3.

Thereupon, the motion to recall House Bill No. 2000 from the Governor's Office prevailed by the following vote:

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Ayes	30
Noes	20
Present and not voting	36

Representatives voting aye were: Bragg, Buck, Byrd, Clark (Sumner), Copeland, Crain, Curlee, Davis (Knox), DeBerry, Drew, Garrett, Hassell, Hawkins, Jones, Lawson, May, McCroskey, Miller, Montgomery, Moody, Murray, Naifeh, Napier, Patterson, Peroulas, Robinson (Washington), Turner, C. (Shelby), Williams, Wolfe and Wood--30.

Representatives voting no were: Bewley, Bivens, Brewer, Chiles, Cross, Davidson, Dills, Gill, Harrill, Hillis, Huskey, Phillips, Rhinehart, Robinson (Hamilton), Shirley, Stallings, Whitson, Winningham, Work and Yelton--20.

Representatives present and not voting were: Burnett, Clark (Davidson), Cobb, Covington, Davis (Cocke), Davis (Gibson), Dixon, Duer, Ellis, Frensley, Gafford, Henry, Hobbs, Hurley, Ivy, Jared, Kent, Kernell, King, McAfee, McNally, Moore, Nance, Scruggs, Severance, Stafford, Starnes, Swann, Tankersley, Tanner, Turner, B. (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler and Wix--36.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

272--Relative to naming "Ronald W. Moore Memorial Highway";

300--Relative to congratulating Dr. Winston Thaxton;

306--Relative to honoring Perry County High School basketball team;

307--Relative to study, additional elevator, Legislative Plaza and War Memorial Building; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Burnett moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 307 out of order, which motion prevailed.

Senate Joint Resolution No. 307--Relative to study, additional elevator, Legislative Plaza and War Memorial Building.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Burnett moved that Senate Joint Resolution No. 307 be concurred in, which motion prevailed by the following vote:

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Ayes	91
Noes	0

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Davidson), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

BILL WITHDRAWN

On motion of Mr. Yelton, House Bill No. 1666 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Yelton, House Bill No. 1666 was withdrawn from the House.

NOTICE PURSUANT TO RULE NO. 58

Pursuant to Rule No. 58, sponsors gave notice of their intentions to consider the following measure from the Senate on Thursday, March 27, 1986:

House Bill No. 1326--Cobb

House Bill No. 1540--Collier

House Bill No. 1740--Tanner

House Bill No. 1806--Whitson

House Bill No. 1819--Wheeler

RULES SUSPENDED

Mr. Rhinehart moved that the rules be suspended in order that all messages received from the Senate on Wednesday could be placed on Thursday's message Calendar, which motion prevailed.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

SECOND ROLL CALL

A roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 230--Relative to study, firefighter pay supplement.

The Speaker referred Senate Joint Resolution No. 230 to the Committee on Finance, Ways and Means.

Senate Joint Resolution No. 304--Relative to honoring WAMB Radio.

Under the rules, Senate Joint Resolution No. 304 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 608--Relative to honoring Mrs. Alice Foster--By West.

Under the rules, House Joint Resolution No. 608 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 609--Relative to extending benefits, certain state employees--By Dills

The Speaker referred House Joint Resolution No. 609 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 610--Relative to study, safety standards, operation of video display terminals--By Turner, L. (Shelby), Jones and Ellis.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

The Speaker referred House Joint Resolution No. 610 to the Committee on Labor and Consumer Affairs.

House Joint Resolution No. 612--Relative to memory Dr. G. Fox Monroe--By Starnes.

Under the rules, House Joint Resolution No. 612 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 613--Relative to memory, Wirt Gammon --By Starnes.

Under the rules, House Joint Resolution No. 613 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 614--Relative to honoring Mayor G. W. White--By Starnes.

Under the rules, House Joint Resolution No. 614 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 615--Relative to honoring Mary Jane Pendley--By Starnes.

Under the rules, House Joint Resolution No. 615 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 616--Relative to memory, Anna Mae McCord--By Starnes.

Under the rules, House Joint Resolution No. 616 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 617--Relative to commending George Connor--By Starnes.

Under the rules, House Joint Resolution No. 617 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 619--Relative to requesting report regarding boards and commissions--By Montgomery.

The Speaker referred House Joint Resolution No. 619 to the Committee on Government Operations.

House Joint Resolution No. 620--Relative to continuing funding, Land Between the Lakes--By Ridgeway, Collier and Mr. Speaker McWherter.

The Speaker referred House Joint Resolution No. 620 to the Committee on Conservation and Environment.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

House Joint Resolution No. 621--Relative to amending constitution, sales and use tax--By Kernell.

The Speaker referred House Joint Resolution No. 621 to the Committee on Finance, Ways and Means.

INTRODUCTION OF BILLS

House Bill No. 2038--To authorize bond issue, improving Highway 64--By Stallings, Naifeh, Gafford, DePriest, Wolfe and Ivy.

Passed first consideration.

House Bill No. 2039--To amend Amusement Ride and Attraction Safety Insurance Act--By Huskey and Davis (Cocke).

Passed first consideration.

House Bill No. 2040--To make provisions, Board of Education, Overton County--By Burnett.

Passed first consideration.

House Bill No. 2041--To amend Charter, Oneida--By Winningham.

Passed first consideration.

House Bill No. 2042--To amend Charter, Portland--By Wix.

Passed first consideration.

House Bill No. 2043--To revise and codify general and public statutes--By Naifeh, Henry, Murphy and Mr. Speaker McWherter.

Passed first consideration.

House Bill No. 2044--To regulate coon dog training, Tipton County--By Naifeh.

Passed first consideration.

House Bill No. 2045--To set qualifications Chief administrative officers, certain counties--By Wix and Clark (Sumner).

Passed first consideration.

House Bill No. 2046--To regulate development, Milan--By Davis (Gibson).

Passed first consideration.

House Bill No. 2047--To exempt certain amusements, business tax --By Williams, Kernell, Patterson, Miller, Cobb, Montgomery and Duer.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1140--To make provisions, anatomical gifts.

Passed first consideration.

Senate Bill No. 1189--To create position, Criminal Investigator, 23rd Judicial District.

Passed first consideration.

Senate Bill No. 1290--To regulate elections, registrars-at-large.

Passed first consideration.

Senate Bill No. 1574--To regulate registrations, certain radiation machines.

Passed first consideration.

Senate Bill No. 1617--To set penalty, certain malicious mischief.

Passed first consideration.

Senate Bill No. 1655--To set penalty, disobedience by employers, jurors compensation.

Passed first consideration.

Senate Bill No. 1657--To regulate garnishment proceedings.

Passed first consideration.

Senate Bill No. 1722--To make appropriations, teenage pregnancy programs.

Passed first consideration.

Senate Bill No. 1780--To regulate placement, certain prisoners.

Passed first consideration.

Senate Bill No. 1844--To employ legal counsel by the legislature.

Passed first consideration.

Senate Bill No. 1854--To regulate immunity from certain suits, governmental entity boards.

Passed first consideration.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

Senate Bill No. 1868--To authorize local Community Corrections Advisory Boards.

Passed first consideration.

Senate Bill No. 1871--To regulate County Financial Management System.

Passed first consideration.

SENATE BILL ON SECOND CONSIDERATION

Senate Bill No. 1772--To create office, County Law Director, Anderson County.

Passed second consideration and held without reference.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2029--To enact budget and accounting system, Madison County.

Passed second consideration and held without reference.

House Bill No. 2030--To repeal Chapter 174, Private Acts, 1957.

Passed second consideration and held without reference.

House Bill No. 2031--To make certain provisions, property assessor, Madison County.

Passed second consideration and held without reference.

House Bill No. 2032--To regulate certain financial matters, Madison County.

Passed second consideration and held without reference.

House Bill No. 2033--To provide new charter, Dresden.

Passed second consideration and held without reference.

House Bill No. 2034--To authorize dog and cat control program, Washington County.

Passed second consideration and held without reference.

House Bill No. 2035--To provide for road superintendent, Sumner County.

Passed second consideration and held without reference.

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

House Bill No. 2036--To set compensation, county attorney, Scott County.

Passed second consideration and held without reference.

House Bill No. 2037--To establish Highway Commission, Carroll County.

Passed second consideration and held without reference.

REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bills: House Bills Nos. 2038, 2039, 2043 and 2044.

Ned R. McWherter

Jimmy Naifeh

James M. Henry

REPORTS OF STANDING COMMITTEES

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1625 (with amendment).

KING, Chairman.

Under the rules, House Bill No. 1625 was transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, March 27, 1986: House Bills Nos. 1785, 1781, 1880, 1634, 1459, 1295, 1707, 1147, 1564, 1233, 1898, 1752, 1725, 1802, 1640, Senate Bill No. 790, House Bills Nos. 685, 1266, 1260, 1259, 1256, 1251, 1246, 1993, 1848, 1496, 1741, 1335, 274, 1778, 1968, 1516, 1934, 330, 1453 and 1661.

GILL, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

MONDAY, MARCH 24, 1986--83rd LEGISLATIVE DAY

House Bill No. 864--Kernell

House Bill No. 1281--Cobb

House Bill No. 1382--Webb

House Bill No. 1463--Shirley, Love

House Bill No. 1550--Shirley, Murray, Gafford, Hurley

House Bill No. 1576--Darnell

House Bill No. 1847--Darnell

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1244, 1255, 1272, 1275, 1545, 1573, 1711, 1939, 1971, 1992 and 2005; and House Joint Resolutions Nos. 486, 510, 567, 601, 602 and 603; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1980, 1994, 1997, 2009, 2015, 2019, 2029, 2030, 2031, 2032, 2033, 2035 and 2037.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, March 27, 1986: House Joint Resolutions Nos. 617, 616, 615, 614, 613, 612, 608, Senate Joint Resolution No. 304; and House Bills Nos. 1168, 1308, 1626, 1849, 2015, 2019, 2009, 1997, 1994, 1980, 1923, 1612, 1482, 1942, 1276, 1602, 2020, House Joint Resolution No. 584, House Bills Nos. 2029, 2030, 2031, 2032, 2033, 2035 and 2037.

GILL, Chairman.

On motion of Mr. Naifeh, the House adjourned until 9:00 a.m., Thursday, March 27, 1986.